

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 168

HOUSE BILL 2283

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 28, CHAPTER 1, ARIZONA REVISED STATUTES, TO "DEFINITIONS, PENALTIES AND GENERAL PROVISIONS"; AMENDING TITLE 28, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; AMENDING SECTIONS 28-364, 28-4007, 28-4031, 28-4032, 28-4033, 28-4133, 28-4137, 28-4143, 28-4144, 28-4151 AND 41-2051, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2052; AMENDING SECTIONS 41-2091 AND 41-2092, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-2095 AND 41-2096; RELATING TO THE REGULATION OF EXECUTIVE SEDANS, LIMOUSINES, SEDANS AND TAXIS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-101, Arizona Revised Statutes, is amended to read:

28-101. Definitions

In this title, unless the context otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.

2. "Alcohol concentration" if expressed as a percentage means either:

(a) The number of grams of alcohol per one hundred milliliters of blood.

(b) The number of grams of alcohol per two hundred ten liters of breath.

3. "All-terrain vehicle" means a motor vehicle that satisfies all of the following:

(a) Is designed primarily for recreational nonhighway all-terrain travel.

(b) Is fifty or fewer inches in width.

(c) Has an unladen weight of eight hundred pounds or less.

(d) Travels on three or more low pressure tires.

(e) Has a seat to be straddled by the operator and handlebars for steering control.

(f) Is operated on a public highway.

4. "Authorized emergency vehicle" means any of the following:

(a) A fire department vehicle.

(b) A police vehicle.

(c) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or a local authority.

(d) Any other ambulance, fire truck or rescue vehicle that is authorized by the department in its sole discretion and that meets liability insurance requirements prescribed by the department.

5. "Aviation fuel" means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion engine for use in an aircraft but does not include fuel for jet or turbine powered aircraft.

6. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

(a) Two tandem wheels, either of which is more than sixteen inches in diameter.

(b) Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

7. "Board" means the transportation board.

8. "Bus" means a motor vehicle designed for carrying sixteen or more passengers, including the driver.

1 9. "Business district" means the territory contiguous to and including
2 a highway if there are buildings in use for business or industrial purposes
3 within any six hundred feet along the highway, including hotels, banks or
4 office buildings, railroad stations and public buildings that occupy at least
5 three hundred feet of frontage on one side or three hundred feet collectively
6 on both sides of the highway.

7 10. "Combination of vehicles" means a truck or truck tractor and
8 semitrailer and any trailer that it tows but does not include a forklift
9 designed for the purpose of loading or unloading the truck, trailer or
10 semitrailer.

11 11. "Controlled substance" means a substance so classified under
12 section 102(6) of the controlled substances act (21 United States Code
13 section 802(6)) and includes all substances listed in schedules I through V
14 of 21 Code of Federal Regulations part 1308.

15 12. "Conviction" means:

16 (a) An unvacated adjudication of guilt or a determination that a
17 person violated or failed to comply with the law in a court of original
18 jurisdiction or by an authorized administrative tribunal.

19 (b) An unvacated forfeiture of bail or collateral deposited to secure
20 the person's appearance in court.

21 (c) A plea of guilty or no contest accepted by the court.

22 (d) The payment of a fine or court costs.

23 13. "County highway" means a public road constructed and maintained by
24 a county.

25 14. "Dealer" means a person who is engaged in the business of buying,
26 selling or exchanging motor vehicles, trailers or semitrailers and who has
27 an established place of business.

28 15. "Department" means the department of transportation acting directly
29 or through its duly authorized officers and agents.

30 16. "Director" means the director of the department of transportation.

31 17. "Drive" means to operate or be in actual physical control of a
32 motor vehicle.

33 18. "Driver" means a person who drives or is in actual physical control
34 of a vehicle.

35 19. "Driver license" means a license that is issued by a state to an
36 individual and that authorizes the individual to drive a motor vehicle.

37 20. "Electric personal assistive mobility device" means a
38 self-balancing two non-tandem wheeled device with an electric propulsion
39 system that limits the maximum speed of the device to fifteen miles per hour
40 or less and that is designed to transport only one person.

41 21. "EXECUTIVE SEDAN" MEANS A MOTOR VEHICLE USED BOTH AS A TAXI AND A
42 LIMOUSINE.

43 ~~21.~~ 22. "Farm tractor" means a motor vehicle designed and used
44 primarily as a farm implement for drawing implements of husbandry.

1 ~~22.~~ 23. "Foreign vehicle" means a motor vehicle, trailer or
2 semitrailer that is brought into this state other than in the ordinary course
3 of business by or through a manufacturer or dealer and that has not been
4 registered in this state.

5 ~~23.~~ 24. "Golf cart" means a motor vehicle that has not less than three
6 wheels in contact with the ground, that has an unladen weight of less than
7 one thousand eight hundred pounds, that is designed to be and is operated at
8 not more than twenty-five miles per hour and that is designed to carry not
9 more than four persons including the driver.

10 ~~24.~~ 25. "Hazardous material" means a material, and its mixtures or
11 solutions, that the United States department of transportation determines
12 under 49 Code of Federal Regulations is capable of posing an unreasonable
13 risk to health, safety and property if transported in commerce and that is
14 required to be placarded or marked as required by the department's safety
15 rules prescribed pursuant to chapter 14 of this title.

16 ~~25.~~ 26. "Implement of husbandry" means a vehicle designed primarily
17 for agricultural purposes and used exclusively in the conduct of agricultural
18 operations, including an implement or vehicle whether self-propelled or
19 otherwise that meets all of the following conditions:

20 (a) Is used exclusively for carrying products of farming from one part
21 of a farm to another part of the same farm or from one farm to another farm.

22 (b) Is used solely for agricultural purposes including the preparation
23 or harvesting of cotton, alfalfa, grains and other farm crops.

24 (c) Is only incidentally operated or moved on a highway whether as a
25 trailer or self-propelled unit.

26 27. "LIMOUSINE" MEANS A MOTOR VEHICLE THAT IS DESIGNED BY THE
27 MANUFACTURER AND IDENTIFIED BY THE VEHICLE REGISTRATION AS A LIMOUSINE IF
28 BOTH THE LIMOUSINE AND A DRIVER ARE PROVIDED FOR HIRE SOLELY BY INDIVIDUAL
29 AGREEMENT AND THE SERVICE IS NOT AVAILABLE FOR OPEN SOLICITATION BY
30 PASSENGERS ON STREETS OR AT TAXI STANDS.

31 ~~26.~~ 28. "Local authority" means any county, municipal or other local
32 board or body exercising jurisdiction over highways under the constitution
33 and laws of this state.

34 ~~27.~~ 29. "Manufacturer" means a person engaged in the business of
35 manufacturing motor vehicles, trailers or semitrailers.

36 ~~28.~~ 30. "Moped" means a bicycle that is equipped with a helper motor
37 if the vehicle has a maximum piston displacement of fifty cubic centimeters
38 or less, a brake horsepower of one and one-half or less and a maximum speed
39 of twenty-five miles per hour or less on a flat surface with less than a one
40 per cent grade.

41 ~~29.~~ 31. "Motor driven cycle" means a motorcycle, including every motor
42 scooter, with a motor that produces not more than five horsepower.

43 ~~30.~~ 32. "Motor vehicle":
44

45 (a) Means either:

 (i) A self-propelled vehicle.

1 (ii) For the purposes of the laws relating to the imposition of a tax
2 on motor vehicle fuel, a vehicle that is operated on the highways of this
3 state and that is propelled by the use of motor vehicle fuel.

4 (b) Does not include a motorized wheelchair, an electric personal
5 assistive mobility device or a motorized skateboard. For the purposes of this
6 subdivision:

7 (i) "Motorized wheelchair" means a self-propelled wheelchair that is
8 used by a person for mobility.

9 (ii) "Motorized skateboard" means a self-propelled device that has a
10 motor, a deck on which a person may ride and at least two tandem wheels in
11 contact with the ground.

12 ~~31.~~ 33. "Motor vehicle fuel" includes all products that are commonly
13 or commercially known or sold as gasoline, including casinghead gasoline,
14 natural gasoline and all flammable liquids, and that are composed of a
15 mixture of selected hydrocarbons expressly manufactured and blended for the
16 purpose of effectively and efficiently operating internal combustion engines.
17 Motor vehicle fuel does not include inflammable liquids that are specifically
18 manufactured for racing motor vehicles and that are distributed for and used
19 by racing motor vehicles at a racetrack, use fuel as defined in section
20 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
21 mixture created at the interface of two different substances being
22 transported through a pipeline, commonly known as transmix.

23 ~~32.~~ 34. "Motorcycle" means a motor vehicle that has a seat or saddle
24 for the use of the rider and that is designed to travel on not more than
25 three wheels in contact with the ground but excluding a tractor and a moped.

26 ~~33.~~ 35. "Neighborhood electric vehicle" means a self-propelled
27 electrically powered motor vehicle to which all of the following apply:

28 (a) The vehicle is emission free.

29 (b) The vehicle is designed to carry four or fewer persons.

30 (c) The vehicle is designed to be and is operated at speeds of
31 twenty-five miles per hour or less.

32 (d) The vehicle has at least four wheels in contact with the ground.

33 (e) The vehicle has an unladen weight of less than one thousand eight
34 hundred pounds.

35 ~~34.~~ 36. "Nonresident" means a person who is not a resident of this
36 state as defined in section 28-2001.

37 ~~35.~~ 37. "Off-road recreational motor vehicle" means a motor vehicle
38 that is designed primarily for recreational nonhighway all-terrain travel and
39 that is not operated on a public highway. Off-road recreational motor
40 vehicle does not mean a motor vehicle used for construction, building trade,
41 mining or agricultural purposes.

42 ~~36.~~ 38. "Operator" means a person who drives a motor vehicle on a
43 highway, who is in actual physical control of a motor vehicle on a highway
44 or who is exercising control over or steering a vehicle being towed by a
45 motor vehicle.

~~37.~~ 39. "Owner" means:

(a) A person who holds the legal title of a vehicle.

(b) If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee.

(c) If a mortgagor of a vehicle is entitled to possession of the vehicle, the mortgagor.

~~38.~~ 40. "Pedestrian" means any person afoot. A person who uses an electric personal assistive mobility device or a manual or motorized wheelchair is considered a pedestrian unless the manual wheelchair qualifies as a bicycle. For the purposes of this paragraph, "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility.

~~39.~~ 41. "Power sweeper" means an implement, with or without motive power, that is only incidentally operated or moved on a street or highway and that is designed for the removal of debris, dirt, gravel, litter or sand whether by broom, vacuum or regenerative air system from asphaltic concrete or cement concrete surfaces, including parking lots, highways, streets and warehouses, and a vehicle on which the implement is permanently mounted.

~~40.~~ 42. "Public transit" means the transportation of passengers on scheduled routes by means of a conveyance on an individual passenger fare-paying basis excluding transportation by a sight-seeing bus, school bus or taxi or a vehicle not operated on a scheduled route basis.

~~41.~~ 43. "Reconstructed vehicle" means a vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from vehicles or makes of vehicles of various names, models and types or that, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles. For the purposes of this paragraph, "essential parts" means integral and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

~~42.~~ 44. "Residence district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

~~43.~~ 45. "Right-of-way" when used within the context of the regulation of the movement of traffic on a highway means the privilege of the immediate use of the highway. Right-of-way when used within the context of the real property on which transportation facilities and appurtenances to the facilities are constructed or maintained means the lands or interest in lands within the right-of-way boundaries.

~~44.~~ 46. "School bus" means a motor vehicle that is designed for carrying more than ten passengers and that is either:

1 (a) Owned by any public or governmental agency or other institution
2 and operated for the transportation of children to or from home or school on
3 a regularly scheduled basis.

4 (b) Privately owned and operated for compensation for the
5 transportation of children to or from home or school on a regularly scheduled
6 basis.

7 47. "SEDAN" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY OF LESS THAN
8 SIXTEEN PASSENGERS, INCLUDING THE DRIVER, AND THAT MEETS ALL OF THE FOLLOWING
9 REQUIREMENTS:

10 (a) HAS AT LEAST TWO DOORS FOR PASSENGER INGRESS AND EGRESS.

11 (b) IS FURNISHED FOR HIRE ON AN EXCLUSIVE BASIS.

12 (c) HAS A CHARGE OR FARE BASED ON A GEOGRAPHIC AREA.

13 ~~45.~~ 48. "Semitrailer" means a vehicle that is with or without motive
14 power, other than a pole trailer, that is designed for carrying persons or
15 property and for being drawn by a motor vehicle and that is constructed so
16 that some part of its weight and that of its load rests on or is carried by
17 another vehicle. For the purposes of this paragraph, "pole trailer" has the
18 same meaning prescribed in section 28-601.

19 ~~46.~~ 49. "State" means a state of the United States and the District
20 of Columbia.

21 ~~47.~~ 50. "State highway" means a state route or portion of a state
22 route that is accepted and designated by the board as a state highway and
23 that is maintained by the state.

24 ~~48.~~ 51. "State route" means a right-of-way whether actually used as
25 a highway or not that is designated by the board as a location for the
26 construction of a state highway.

27 ~~49.~~ 52. "Street" or "highway" means the entire width between the
28 boundary lines of every way if a part of the way is open to the use of the
29 public for purposes of vehicular travel.

30 53. "TAXI" MEANS A MOTOR VEHICLE, NOT INCLUDING A LIMOUSINE, THAT MEETS
31 ALL OF THE FOLLOWING REQUIREMENTS:

32 (a) HAS A SEATING CAPACITY OF LESS THAN SIXTEEN PASSENGERS, EXCLUDING
33 THE DRIVER.

34 (b) HAS AT LEAST TWO DOORS FOR PASSENGER INGRESS AND EGRESS.

35 (c) IS FURNISHED FOR HIRE ON AN EXCLUSIVE BASIS.

36 (d) HAS A CHARGE OR FARE BASED ON TIME OR MILEAGE OR BOTH TIME AND
37 MILEAGE.

38 ~~50.~~ 54. "Trailer" means a vehicle that is with or without motive
39 power, other than a pole trailer, that is designed for carrying persons or
40 property and for being drawn by a motor vehicle and that is constructed so
41 that no part of its weight rests on the towing vehicle. A semitrailer
42 equipped with an auxiliary front axle commonly known as a dolly is deemed to
43 be a trailer. For the purposes of this paragraph, "pole trailer" has the same
44 meaning prescribed in section 28-601.

1 ~~51.~~ 55. "Truck" means a motor vehicle designed or used primarily for
2 the carrying of property other than the effects of the driver or passengers
3 and includes a motor vehicle to which has been added a box, a platform or
4 other equipment for such carrying.

5 ~~52.~~ 56. "Truck tractor" means a motor vehicle that is designed and
6 used primarily for drawing other vehicles and that is not constructed to
7 carry a load other than a part of the weight of the vehicle and load drawn.

8 ~~53.~~ 57. "Vehicle" means a device in, on or by which a person or
9 property is or may be transported or drawn on a public highway, excluding
10 devices moved by human power or used exclusively on stationary rails or
11 tracks.

12 ~~54.~~ 58. "Vehicle transporter" means either:

13 (a) A truck tractor capable of carrying a load and drawing a
14 semitrailer.

15 (b) A truck tractor with a stinger-steered fifth wheel capable of
16 carrying a load and drawing a semitrailer or a truck tractor with a dolly
17 mounted fifth wheel that is securely fastened to the truck tractor at two or
18 more points and that is capable of carrying a load and drawing a semitrailer.

19 Sec. 2. Heading change

20 The chapter heading of title 28, chapter 1, Arizona Revised Statutes,
21 is changed from "DEFINITIONS AND PENALTIES" to "DEFINITIONS, PENALTIES AND
22 GENERAL PROVISIONS".

23 Sec. 3. Title 28, chapter 1, Arizona Revised Statutes, is amended by
24 adding article 3, to read:

25 ARTICLE 3. GENERAL PROVISIONS

26 28-141. Prearranged ground transportation; applicability;
27 definitions

28 A. THE DEPARTMENT SHALL NOT REQUIRE A LICENSE OR IMPOSE A FEE ON A
29 MOTOR VEHICLE PROVIDING PREARRANGED GROUND TRANSPORTATION SERVICE IF THE
30 MOTOR CARRIER PROVIDING THE SERVICE DOES ALL OF THE FOLLOWING:

31 1. MEETS ALL APPLICABLE REGISTRATION REQUIREMENTS FOR THE INTERSTATE
32 TRANSPORTATION OF PASSENGERS UNDER THE ICC TERMINATION ACT OF 1995 (P.L.
33 104-88; 109 STAT. 879; 49 UNITED STATES CODE SECTIONS 13901 THROUGH 13908).

34 2. MEETS ALL APPLICABLE VEHICLE AND INTRASTATE PASSENGER LICENSING
35 REQUIREMENTS OF THE STATE IN WHICH THE VEHICLE IS DOMICILED OR REGISTERED TO
36 DO BUSINESS.

37 3. PROVIDES THE SERVICE PURSUANT TO A CONTRACT FOR EITHER OF THE
38 FOLLOWING:

39 (a) TRANSPORTATION FROM THIS STATE, INCLUDING INTERMEDIATE STOPS, TO
40 A DESTINATION IN ANOTHER STATE.

41 (b) TRANSPORTATION FROM THIS STATE, INCLUDING INTERMEDIATE STOPS IN
42 ANOTHER STATE, TO A DESTINATION IN THIS STATE.

43 B. FOR THE PURPOSES OF THIS SECTION:

44 1. "INTERMEDIATE STOP" MEANS A PAUSE IN THE TRANSPORTATION IN ORDER
45 FOR ONE OR MORE PASSENGERS TO ENGAGE IN PERSONAL OR BUSINESS ACTIVITY, BUT

1 ONLY IF THE DRIVER PROVIDING THE TRANSPORTATION TO THE PASSENGER DOES NOT,
2 BEFORE RESUMING THE TRANSPORTATION OF THE PASSENGER OR AT LEAST ONE OF THE
3 PASSENGERS, PROVIDE TRANSPORTATION TO ANY OTHER PERSON NOT INCLUDED AMONG THE
4 PASSENGERS BEING TRANSPORTED WHEN THE PAUSE BEGAN.

5 2. "PREARRANGED GROUND TRANSPORTATION SERVICE" MEANS TRANSPORTATION
6 FOR A PASSENGER OR A GROUP OF PASSENGERS THAT IS ARRANGED IN ADVANCE OR THAT
7 IS OPERATED ON A REGULAR ROUTE OR BETWEEN SPECIFIED POINTS AND THAT IS
8 PROVIDED IN A MOTOR VEHICLE WITH A SEATING CAPACITY OF LESS THAN SIXTEEN
9 PASSENGERS, INCLUDING THE DRIVER.

10 28-142. Political subdivisions; taxis, limousines, sedans or
11 executive sedans

12 THIS TITLE DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS STATE OR
13 A PUBLIC AIRPORT OPERATOR THAT OPERATES A PUBLIC AIRPORT PURSUANT TO SECTION
14 28-8421, 28-8423 OR 28-8424 FROM ESTABLISHING THE NUMBER OF TAXIS,
15 LIMOUSINES, SEDANS OR EXECUTIVE SEDANS THAT MAY CONDUCT BUSINESS IN THE
16 POLITICAL SUBDIVISION OR AT A PUBLIC AIRPORT OPERATING PURSUANT TO SECTION
17 28-8421, 28-8423 OR 28-8424 OR FROM SETTING ADDITIONAL OR MORE RESTRICTIVE
18 REQUIREMENTS FOR THE CONDUCT OF THAT BUSINESS.

19 Sec. 4. Section 28-364, Arizona Revised Statutes, is amended to read:

20 28-364. Powers of the director

21 A. The director may provide technical transportation planning
22 expertise to local governments when requested, coordinate local government
23 transportation planning with regional and state transportation planning and
24 guide local transportation planning to assure compliance with federal
25 requirements. The planning authority granted by this subsection does not
26 preempt planning responsibilities and decisions of local governments.

27 B. If the governor declares a state of emergency, the director may
28 contract and do all things necessary to provide emergency transportation
29 services for the residents in the affected areas whether the emergency
30 transportation is by street, rail or air.

31 C. On a determination that it is in this state's best interest, the
32 director may authorize payment for necessary relocation costs in advance of
33 work being performed if an existing facility owned by the United States must
34 be relocated or adjusted due to construction, modification or improvement of
35 a state highway. The director shall base each advance payment on an estimate
36 of cost of the proposed relocation or adjustment prepared by the federal
37 government and acceptable to the director and shall base the final
38 compensation on the actual agreed cost.

39 D. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S
40 DESIGNEE IN CONJUNCTION WITH THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND
41 MEASURES OR THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES' DESIGNEE
42 SHALL DEVELOP PROCEDURES TO EXCHANGE INFORMATION BETWEEN THE DEPARTMENTS FOR
43 ANY PURPOSE THAT THE DIRECTORS DEEM NECESSARY RELATED TO THE REGISTRATION AND
44 LICENSING OF TAXIS, LIMOUSINES, EXECUTIVE SEDANS OR SEDANS. FOR THE PURPOSES

1 OF THIS SUBSECTION, "EXECUTIVE SEDAN" AND "SEDAN" HAVE THE SAME MEANINGS
2 PRESCRIBED IN SECTION 41-2051.

3 Sec. 5. Section 28-4007, Arizona Revised Statutes, is amended to read:
4 28-4007. Self-insurers

5 A. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, a person in
6 whose name more than twenty-five motor vehicles are registered or who is
7 required to comply with the financial responsibility requirements prescribed
8 in article 2 of this chapter may qualify as a self-insurer by obtaining a
9 certificate of self-insurance issued by the director as provided in this
10 section.

11 B. On the person's application, the director may issue a certificate
12 of self-insurance if the director is satisfied that the person is able and
13 will continue to be able to pay judgments obtained against the person.

14 C. On not less than five days' notice and after a hearing, the
15 director may cancel a certificate of self-insurance on reasonable grounds.
16 Failure to pay a judgment within thirty days after the judgment becomes final
17 is a reasonable ground for the cancellation of a certificate of
18 self-insurance.

19 D. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, a person who
20 is required to comply with the financial responsibility requirements
21 prescribed in article 2 of this chapter may apply for partial self-insurance
22 to cover any portion of the financial responsibility requirements.

23 E. A PERSON WHO IS REQUIRED TO COMPLY WITH THE FINANCIAL
24 RESPONSIBILITY REQUIREMENTS PRESCRIBED IN SECTION 28-4033, SUBSECTION A FOR
25 A TAXI, LIMOUSINE, SEDAN OR EXECUTIVE SEDAN DOES NOT QUALIFY AS A
26 SELF-INSURER.

27 Sec. 6. Section 28-4031, Arizona Revised Statutes, is amended to read:
28 28-4031. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Declared gross weight" has the meaning prescribed in section
31 28-5431. If a declaration has not been made, declared gross weight means
32 gross weight.

33 2. "Gross weight" has the meaning prescribed in section 28-5431.

34 3. "Person" means:

35 (a) An owner or operator of a motor vehicle or vehicle combination
36 subject to the financial responsibility requirements of this article.

37 (b) FOR TAXIS, LIMOUSINES, SEDANS OR EXECUTIVE SEDANS, THE PERSON
38 LISTED ON THE DEPARTMENT'S RECORDS AS THE OWNER OF THE VEHICLE.

39 4. "Public highway" means any way or place of whatever nature and of
40 any kind that is used or open to the use by the public as a matter of right
41 for the purpose of vehicular travel, including a highway under construction.

42 5. "Vehicle combination" has the meaning prescribed in section
43 28-5431.

1 Sec. 7. Section 28-4032, Arizona Revised Statutes, is amended to read:
2 28-4032. Persons subject to financial responsibility
3 requirements

4 A. Notwithstanding any other statute:

5 1. A person who operates in the furtherance of a commercial enterprise
6 in this state a motor vehicle or vehicle combination that has a declared
7 gross weight of more than twenty thousand pounds shall comply with the
8 financial responsibility requirements of this article and article 4 of this
9 chapter.

10 2. A person who operates a motor vehicle or vehicle combination for
11 the purpose of transporting hazardous materials, hazardous substances or
12 hazardous wastes as defined by the department shall comply with the financial
13 responsibility requirements of this article and article 4 of this chapter
14 unless any of the following applies:

15 (a) The transportation of hazardous materials, hazardous substances
16 or hazardous wastes is incidental to the principal purpose of the vehicular
17 travel at the time the transportation occurs.

18 (b) The transportation of hazardous materials, hazardous substances
19 or hazardous wastes is not in the furtherance of a commercial enterprise.

20 (c) The transportation of an amount of hazardous material listed in
21 49 Code of Federal Regulations section 172.504(a) table two is less than one
22 thousand pounds or not more than one hundred ten gallons for a combustible
23 liquid.

24 B. A person who operates a ~~passenger-carrying motor vehicle~~, bus or
25 van used to transport passengers for hire, other than a car pool operator,
26 shall comply with the financial responsibility requirements of this article
27 and article 4 of this chapter. THIS SUBSECTION DOES NOT APPLY TO A CAR POOL
28 OPERATOR. For the purposes of this subsection, "car pool operator" means a
29 natural person when engaged either regularly or occasionally in carrying one
30 or more other persons by motor vehicle on a public highway, with or without
31 compensation, if the carriage of the other person or persons is both:

32 1. Not for profit. A car pool operator is conclusively presumed not
33 to be carrying persons for profit if either:

34 (a) The operator receives compensation of not more than twenty cents
35 per mile for total vehicle miles traveled, except that the proportionate
36 share of the car pool operator shall be included in the amount.

37 (b) The operator carries one or more of the operator's passengers in
38 consideration of the operator being carried in like situations by the
39 passenger or passengers. The receipt of compensation of more than twenty
40 cents per mile for total vehicle miles traveled does not preclude a car pool
41 operator from showing that this compensation does not result in a profit to
42 the operator or that the operator did not intend that a profit result.

43 2. Incidental to another purpose of the car pool operator. Except in
44 unusual circumstances, the carriage is incidental to another purpose of the
45 operator if the operator is not making the trip solely for the purpose of

1 carrying a passenger. A car pool operator is conclusively presumed not to
2 be transporting passengers for hire.

3 C. A PERSON WHO IS LISTED ON THE DEPARTMENT'S RECORDS AS THE OWNER OF
4 A TAXI, LIMOUSINE, SEDAN OR EXECUTIVE SEDAN USED TO TRANSPORT PASSENGERS FOR
5 HIRE SHALL COMPLY WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS
6 ARTICLE AND ARTICLE 4 OF THIS CHAPTER.

7 Sec. 8. Section 28-4033, Arizona Revised Statutes, is amended to read:
8 28-4033. Financial responsibility requirements

9 A. A person subject to the requirements of this article shall maintain
10 motor vehicle combined single limit liability insurance as follows:

11 1. For the transportation of nonhazardous property:

12 (a) For a vehicle with a gross vehicle weight of more than twenty-six
13 thousand pounds, minimum coverage in the amount of seven hundred fifty
14 thousand dollars.

15 (b) For a vehicle with a gross vehicle weight of twenty thousand one
16 pounds to twenty-six thousand pounds, minimum coverage in the amount of three
17 hundred thousand dollars.

18 2. For the transportation of passengers:

19 (a) In a vehicle with a seating capacity of sixteen passengers or
20 more, minimum coverage in the amount of five million dollars and uninsured
21 motorist coverage in the amount of at least three hundred thousand dollars.

22 (b) In a vehicle with a seating capacity of less than sixteen
23 passengers, minimum coverage in the amount of seven hundred fifty thousand
24 dollars and uninsured motorist coverage in the amount of at least three
25 hundred thousand dollars.

26 (c) ~~In a motor vehicle that provides taxicab service, has a seating~~
27 ~~capacity of less than seven passengers and is not operated on a regular route~~
28 TAXI, LIMOUSINE, EXECUTIVE SEDAN OR SEDAN, A POLICY CONTAINING minimum
29 coverage in the amount of three hundred thousand dollars and uninsured
30 motorist coverage in the amount of at least three SEVEN hundred FIFTY
31 thousand dollars ISSUED BY AN INSURER THAT HOLDS A VALID CERTIFICATE OF
32 AUTHORITY OR THAT IS PERMITTED TO TRANSACT SURPLUS LINES INSURANCE IN THIS
33 STATE.

34 3. For the transportation of hazardous materials, hazardous substances
35 or hazardous wastes:

36 (a) Minimum coverage in the amount of five million dollars for the
37 transportation of:

38 (i) Hazardous substances, as defined in 49 Code of Federal Regulations
39 part 171, transported in a cargo tank, portable tank or hopper-type vehicle
40 with capacities in excess of three thousand five hundred water gallons.

41 (ii) Any quantity of class A or B explosives.

42 (iii) Any quantity of poison gas (poison A).

43 (iv) Liquefied compressed gas or compressed gas transported in a cargo
44 tank, portable tank or hopper-type vehicle with capacities in excess of three
45 thousand five hundred water gallons.

1 (v) The quantity of radioactive materials that requires specialized
2 handling and transportation controls as indicated in 49 Code of Federal
3 Regulations part 173.

4 (b) Minimum coverage in the amount of one million dollars for the
5 transportation of the following:

6 (i) Any quantity of oil listed in 49 Code of Federal Regulations part
7 172.

8 (ii) Any quantity of hazardous wastes, hazardous materials or
9 hazardous substances as defined and listed in 49 Code of Federal Regulations
10 part 171 and in 49 Code of Federal Regulations part 172 but not included in
11 subdivision (a) of this paragraph.

12 B. If a motor vehicle is leased or rented, the lessor shall ensure
13 that the lessee is covered under the lessor's liability insurance as provided
14 by this section or the lessor shall require that the lessee meet the
15 financial responsibility requirements of this section. IN THE CASE OF TAXIS,
16 LIMOUSINES, EXECUTIVE SEDANS AND SEDANS, A PERSON WHO IS LISTED ON THE
17 DEPARTMENT'S RECORDS AS THE OWNER SHALL COMPLY WITH THE FINANCIAL
18 RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE AND ARTICLE 4 OF THIS CHAPTER.

19 C. If a lessee uses the motor vehicle for a purpose that is required
20 under this section to have a higher amount of financial responsibility than
21 was required of the lessor or renter, the lessee shall maintain the higher
22 financial responsibility requirements of this section.

23 D. The uninsured motorist coverage required by this section is not
24 required until June 1, 1987 and may be provided by a self-insurance program
25 authorized under section 28-4007. A person who is under contract with this
26 state or a political subdivision of this state, who operates a motor vehicle
27 owned by this state or a political subdivision of this state and who is
28 included in the self-insurance program of this state or a political
29 subdivision of this state is exempt from the uninsured motorist requirements
30 of this section.

31 Sec. 9. Section 28-4133, Arizona Revised Statutes, is amended to read:

32 28-4133. Insurance identification cards; documentary evidence;

33 exception

34 A. An authorized insurer shall issue at least two motor vehicle
35 insurance identification cards for a motor vehicle or automobile liability
36 policy that meets the requirements of section 28-4009 OR SECTION 28-4033,
37 SUBSECTION A, PARAGRAPH 2, SUBDIVISION (c).

38 B. The card shall state that:

39 1. A person is required to possess evidence of financial
40 responsibility within the motor vehicle.

41 2. The card meets the requirement.

42 3. The card is satisfactory evidence if the person is asked by the
43 department of transportation to verify financial responsibility on the motor
44 vehicle.

1 C. All documentary evidence issued by an insurer or an authorized
2 agent of the insurer shall indicate:

3 1. The name of the insurer as listed with the department of insurance.

4 2. For the purpose of verifying insurance coverage, the mailing
5 address and telephone number of the insurer or an authorized agent of the
6 insurer.

7 3. In order to accurately verify insurance coverage, other information
8 as required by the department of transportation.

9 4. If a binder is issued by an authorized agent of an insurer, the
10 name, address and telephone number of the agent.

11 D. This section does not apply to a commercial vehicle policy that
12 provides automatic coverage for additional or newly acquired vehicles until
13 the policy's expiration date.

14 Sec. 10. Section 28-4137, Arizona Revised Statutes, is amended to
15 read:

16 28-4137. Mitigation; rules

17 A. If a person subject to the civil penalty under section 28-4135:

18 1. Presents proof to the court that the person has purchased a six
19 month policy of insurance that meets the requirements of section 28-4009, OR
20 THAT THE VEHICLE WAS COVERED BY AN INSURANCE POLICY PURSUANT TO SECTION
21 28-4033, SUBSECTION A, PARAGRAPH 2, SUBDIVISION (c) AT THE TIME THE CITATION
22 WAS ISSUED, the court may reduce or waive the amount of the penalty.

23 2. Has not purchased insurance at the time of the person's scheduled
24 court appearance but is willing to do so, the court may suspend the
25 imposition of the civil penalty for up to thirty days to allow the person the
26 opportunity to purchase the insurance.

27 B. The supreme court may adopt rules for the court as necessary to
28 implement this section.

29 Sec. 11. Section 28-4143, Arizona Revised Statutes, is amended to
30 read:

31 28-4143. Vehicle accident; financial responsibility
32 verification; suspension

33 A. To ensure compliance with this article, the department may verify
34 the financial responsibility of the owner of a motor vehicle involved in an
35 accident in this state. If an accident involves an unregistered vehicle, the
36 department may conduct a financial responsibility verification in the same
37 manner as required for a registered vehicle.

38 B. If a motor vehicle is selected for financial responsibility
39 verification under subsection A of this section, the department shall verify
40 all insurance information on file for the requested vehicle by forwarding the
41 information contained on the record to the insurer or the applicable party
42 to determine if the insurance was in effect on the date of the accident.

43 C. On receipt of a denial from an insurer or any other applicable
44 party or if no insurance information was on file, the department shall mail
45 a notice to the owner requiring evidence from the owner that the motor

1 vehicle met the financial responsibility requirement of section 28-4135 OR
2 SECTION 28-4033, SUBSECTION A, PARAGRAPH 2, SUBDIVISION (c) on the date of
3 the accident. The notice shall require the owner to submit evidence of
4 financial responsibility to the department within thirty days after the date
5 the notice was mailed.

6 D. The department shall verify all evidence of financial
7 responsibility submitted pursuant to subsection C of this section and shall
8 take action as follows:

9 1. If the evidence of financial responsibility submitted by the owner
10 indicates the existence of a motor vehicle or automobile liability policy
11 covering the motor vehicle, the following steps shall be taken:

12 (a) The department shall forward the evidence document or the
13 applicable information contained in the evidence document to the listed
14 insurer or other appropriate party to determine whether the policy was valid
15 on the date of the accident.

16 (b) The insurer or other appropriate party shall notify the department
17 in writing within thirty days after the date the inquiry was mailed if the
18 policy was not valid on the date indicated.

19 (c) On receipt of a letter of denial from an insurer or any other
20 appropriate party, the department shall send to the owner a suspension notice
21 that states:

22 (i) The insurer's denial of coverage on the date of the accident.

23 (ii) The owner's driver license and motor vehicle registration will
24 be suspended fifteen days after the date the suspension notice was mailed
25 unless the owner produces additional evidence to the department on or before
26 the effective date of the suspension that the financial responsibility
27 requirement of section 28-4135 OR SECTION 28-4033, SUBSECTION A, PARAGRAPH
28 2, SUBDIVISION (c) was met for the vehicle on the date of the accident or
29 unless the owner requests a hearing.

30 2. If the evidence of financial responsibility submitted by the owner
31 indicates either self-insurance or a certificate of deposit, the department
32 shall:

33 (a) Verify that the evidence is properly reflected in the department
34 records.

35 (b) If it is determined that the evidence of financial responsibility
36 is false or otherwise invalid, send a suspension notice to the owner that the
37 person's driver license and motor vehicle registration will be suspended
38 fifteen days after the date the suspension notice is mailed unless a hearing
39 is requested.

40 3. If the person appearing as the registered owner of the vehicle
41 according to department records is able to provide proof as prescribed by the
42 director that the vehicle was sold before the date of the accident, the
43 department shall not suspend the driver license or registration privilege of
44 the person.

1 E. Information that is being verified pursuant to this section is a
2 public record.

3 Sec. 12. Section 28-4144, Arizona Revised Statutes, is amended to
4 read:

5 28-4144. Notice; suspension; reinstatement fees

6 A. If the owner's response to a mailing pursuant to section 28-4143
7 indicates that the motor vehicle does not meet the financial responsibility
8 requirement of section 28-4135 OR SECTION 28-4033, SUBSECTION A, PARAGRAPH
9 2, SUBDIVISION (c), the department shall send a suspension notice to the
10 owner that STATES:

11 1. The motor vehicle does not meet the financial responsibility
12 requirements.

13 2. The owner's driver license and motor vehicle registration will be
14 suspended fifteen days after the date the suspension notice is mailed AND,
15 IF THE OWNER IS REQUIRED TO COMPLY WITH SECTION 28-4033, SUBSECTION A,
16 PARAGRAPH 2, SUBDIVISION (c), THAT ALL MOTOR VEHICLES REGISTERED TO THE OWNER
17 WILL BE SUSPENDED FIFTEEN DAYS AFTER THE DATE THE NOTICE IS MAILED unless
18 either:

19 (a) The owner produces additional evidence to the department on or
20 before the effective date of the suspension that the financial responsibility
21 requirement of section 28-4135 OR SECTION 28-4033, SUBSECTION A, PARAGRAPH
22 2, SUBDIVISION (c) was met for the vehicle on the date of the accident.

23 (b) The owner requests a hearing.

24 B. If a response is not received within thirty days after the date the
25 original notice requiring proof of financial responsibility is mailed, the
26 department shall:

27 1. Send a suspension notice to the owner that the owner's driver
28 license and motor vehicle registration or registration privilege will be
29 suspended fifteen days after the date the suspension notice is mailed AND,
30 IF THE OWNER IS REQUIRED TO COMPLY WITH SECTION 28-4033, SUBSECTION A,
31 PARAGRAPH 2, SUBDIVISION (c), THAT ALL MOTOR VEHICLES REGISTERED TO THE OWNER
32 WILL BE SUSPENDED FIFTEEN DAYS AFTER THE DATE THE NOTICE IS MAILED unless the
33 owner submits evidence of financial responsibility or proof that the vehicle
34 was sold pursuant to section 28-4143 before the effective date of the
35 suspension.

36 2. If a response or evidence of financial responsibility or proof of
37 vehicle sale pursuant to section 28-4143 is not received within the required
38 time, suspend the motor vehicle registration or registration privilege,
39 license plate and driver license.

40 3. If there is no other basis for the suspension and evidence of
41 financial responsibility or evidence of vehicle sale is later submitted,
42 verify the evidence of financial responsibility or sale pursuant to section
43 28-4143 and remove the suspension from the public record if financial
44 responsibility is proven.

1 C. Except as provided in subsection B of this section, if the motor
2 vehicle registration, registration privilege, license plate or driver license
3 is suspended pursuant to section 28-4143 or this section:

4 1. The suspension is for a minimum of one year.

5 2. The department shall not terminate the suspension until the
6 applicant both:

7 (a) Files with the department proof of financial responsibility in
8 accordance with article 3 of this chapter.

9 (b) Pays to the department a ten dollar fee for the reinstatement of
10 the driver license and a twenty-five dollar fee for the reinstatement of the
11 motor vehicle registration and license plate, except that these fees do not
12 apply to a suspension removed pursuant to subsection B of this section or to
13 a suspension applicable to a person who is required to comply with the
14 financial responsibility requirements prescribed in article 2 of this chapter
15 UNLESS THE PERSON WAS REQUIRED TO COMPLY WITH THE FINANCIAL RESPONSIBILITY
16 REQUIREMENTS PRESCRIBED IN SECTION 28-4033, SUBSECTION A, PARAGRAPH 2,
17 SUBDIVISION (c).

18 Sec. 13. Section 28-4151, Arizona Revised Statutes, is amended to
19 read:

20 28-4151. Reinstatement fee; motor vehicle liability insurance
21 enforcement fund

22 A. A person shall pay a fee of not more than fifty dollars for the
23 reinstatement of a motor vehicle registration and license plate as prescribed
24 by the department for the purposes prescribed in this article. EXCEPT AS
25 PROVIDED IN SUBSECTION B OF THIS SECTION, this fee does not apply to a person
26 who is required to comply with the financial responsibility requirements
27 prescribed in article 2 of this chapter.

28 B. THE FEE PRESCRIBED IN SUBSECTION A OF THIS SECTION APPLIES TO A
29 PERSON WHO IS REQUIRED TO COMPLY WITH THE FINANCIAL RESPONSIBILITY
30 REQUIREMENTS PRESCRIBED IN SECTION 28-4033, SUBSECTION A, PARAGRAPH 2,
31 SUBDIVISION (c).

32 ~~B.~~ C. The director shall deposit, pursuant to sections 35-146 and
33 35-147, the fees collected under this section in the motor vehicle liability
34 insurance enforcement fund established by subsection ~~C~~ D OF THIS SECTION.

35 ~~C.~~ D. A motor vehicle liability insurance enforcement fund is
36 established consisting of monies received pursuant to this article. The
37 department of transportation shall administer the fund, subject to
38 legislative appropriation.

39 Sec. 14. Section 41-2051, Arizona Revised Statutes, is amended to
40 read:

41 41-2051. Definitions

42 In this chapter, unless the context otherwise requires:

43 1. "Biodiesel" means a diesel fuel substitute that satisfies all of
44 the following:

1 (a) Is produced from nonpetroleum renewable resources if the
2 qualifying volume of nonpetroleum renewable resources meets the standards for
3 California diesel fuel as adopted by the California air resources board
4 pursuant to 13 California code of regulations sections 2281 and 2282 in
5 effect on January 1, 2000.

6 (b) Meets the registration requirement for fuels and additives
7 established by the environmental protection agency pursuant to section 211
8 of the clean air act as defined in section 49-401.01.

9 (c) The use of the diesel fuel substitute complies with the
10 requirements listed in 10 Code of Federal Regulations part 490, as printed
11 in the federal register, volume 64, number 96, may 19, 1999.

12 (d) Is sold, offered or exposed for sale as a neat product or blended
13 with diesel fuel.

14 2. "Certification" means the process of determining the accuracy of
15 a commercial device to the standards of this state by a registered service
16 representative or the department.

17 3. "Commercial device" means any weighing, measuring, metering or
18 counting device that is used to determine the direct cost of things sold or
19 offered or exposed for sale, or used to establish a fee for service if the
20 cost is based on weight, measure or count, except that it does not include
21 those devices used for in-house packaging, inventory control or law
22 enforcement purposes.

23 4. "Commodity" means any merchandise, product or substance produced
24 or distributed for sale to or use by others.

25 5. "Correct" as used in connection with weights and measures means
26 conformance to all applicable requirements of this chapter.

27 6. "Department" means the department of weights and measures.

28 7. "Diesel" means a refined middle distillate for use as a fuel in a
29 compression-ignition internal combustion engine.

30 8. "Director" means the director of the department of weights and
31 measures.

32 9. "EXECUTIVE SEDAN" MEANS A MOTOR VEHICLE USED AS A TAXI AND A
33 LIMOUSINE.

34 ~~9.~~ 10. "Inspector" means state officials of the department of weights
35 and measures.

36 11. "LIMOUSINE" MEANS A MOTOR VEHICLE THAT IS DESIGNED BY THE
37 MANUFACTURER AND IDENTIFIED BY THE VEHICLE REGISTRATION AS A LIMOUSINE IF
38 BOTH THE LIMOUSINE AND A DRIVER ARE PROVIDED FOR HIRE SOLELY BY INDIVIDUAL
39 AGREEMENT AND THE SERVICE IS NOT AVAILABLE FOR OPEN SOLICITATION BY
40 PASSENGERS ON STREETS OR AT TAXI STANDS.

41 ~~10.~~ 12. "Liquid fuel measuring device" means any meter, pump, tank,
42 gauge or apparatus used for volumetrically determining the quantity of any
43 internal combustion engine fuel, liquefied petroleum gas or low viscosity
44 heating oil.

~~11.~~ 13. "Motor fuel" means biodiesel or a petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine.

~~12.~~ 14. "Package" means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.

~~13.~~ 15. "Person" means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

~~14.~~ 16. "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

~~15.~~ 17. "Public weighmaster" means any person who is engaged in any of the following:

(a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing for that weighing a weight certificate intended to be accepted as an accurate weight upon which a purchase or sale is to be based or on which a service fee is to be charged.

(b) The business of weighing for hire motor vehicles, trailers or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment on the vehicles.

~~16.~~ 18. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the department.

~~17.~~ 19. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and who has been issued a license by the department.

~~18.~~ 20. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any package or commodity by weight, measure or count.

~~19.~~ 21. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

~~20.~~ 22. "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.

23. "SEDAN" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY OF LESS THAN SIXTEEN PASSENGERS, EXCLUDING THE DRIVER AND THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1 (a) HAS AT LEAST TWO DOORS FOR PASSENGER INGRESS AND EGRESS.

2 (b) IS FURNISHED FOR HIRE ON AN EXCLUSIVE BASIS.

3 (c) HAS A CHARGE OR FARE BASED ON A GEOGRAPHIC AREA.

4 24. "TAXI" MEANS A MOTOR VEHICLE, NOT INCLUDING AN EXECUTIVE SEDAN OR
5 A LIMOUSINE, THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

6 (a) HAS A SEATING CAPACITY OF LESS THAN SIXTEEN PASSENGERS, EXCLUDING
7 THE DRIVER.

8 (b) HAS AT LEAST TWO DOORS FOR PASSENGER INGRESS AND EGRESS.

9 (c) IS FURNISHED FOR HIRE ON AN EXCLUSIVE BASIS.

10 (d) HAS A CHARGE OR FARE BASED ON TIME OR MILEAGE OR BOTH TIME AND
11 MILEAGE.

12 25. "TAXI METER" MEANS A COMMERCIAL DEVICE THAT MEETS THE REQUIREMENTS
13 OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44 AS
14 PRESCRIBED BY SECTION 41-2064.

15 ~~21.~~ 26. "Weight" as used in connection with any commodity means net
16 weight.

17 ~~22.~~ 27. "Weights" or "measures", or both, means all weights, measures,
18 meters or counters of every kind, instruments and devices for weighing,
19 measuring, metering or counting and any appliance and accessories associated
20 with any or all such instruments and devices.

21 Sec. 15. Title 41, chapter 15, article 1, Arizona Revised Statutes,
22 is amended by adding section 41-2052, to read:

23 41-2052. Political subdivisions; taxis, limousines, sedans or
24 executive sedans

25 A. THIS TITLE DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS STATE
26 OR A PUBLIC AIRPORT OPERATOR THAT OPERATES A PUBLIC AIRPORT PURSUANT TO
27 SECTION 28-8421, 28-8423 OR 28-8424 FROM ESTABLISHING THE NUMBER OF TAXIS,
28 LIMOUSINES, SEDANS OR EXECUTIVE SEDANS THAT MAY CONDUCT BUSINESS IN THE
29 POLITICAL SUBDIVISION OR AT A PUBLIC AIRPORT OPERATING PURSUANT TO SECTION
30 28-8421, 28-8423 OR 28-8424 OR FROM SETTING ADDITIONAL OR MORE RESTRICTIVE
31 REQUIREMENTS FOR THE CONDUCT OF THAT BUSINESS.

32 Sec. 16. Section 41-2091, Arizona Revised Statutes, is amended to
33 read:

34 41-2091. Licensing devices used for commercial purposes;
35 authorization to test devices used for all other
36 purposes; fees; certification; transaction privilege
37 tax license records; notification; issuance and
38 revocation of license

39 A. A person shall not use a commercial device unless the device is
40 licensed or certified as provided in this chapter.

41 B. A license shall be obtained annually from the department on forms
42 prescribed and furnished by the department. The fee prescribed in this
43 chapter shall be submitted with the prescribed form. A license shall be
44 obtained not later than thirty days following the first day of commercial use
45 for original installations. If the ownership of a device that is licensed is

1 transferred, the ownership of the license may be transferred. On transfer
2 of a license, new licensees shall notify the department of the licensee's
3 name and address and the location of the device. A license for a device
4 shall be posted at the licensed business location in a manner that provides
5 the department access to the license during normal business hours.

6 C. IF A FARE IS BASED ON TIME OR MILEAGE OR BOTH TIME AND MILEAGE, A
7 SEDAN SHALL HAVE A COMMERCIAL DEVICE AND SHALL OBTAIN A LICENSE AS PRESCRIBED
8 BY THE DEPARTMENT.

9 ~~C.~~ D. Any license issued under this chapter applies only to the
10 instrument or device specified in the license, except that the director may
11 permit the license to be applicable to a replacement for the original
12 instrument or device.

13 ~~D.~~ E. Noncommercial devices may be tested by the department pursuant
14 to this chapter. A weighing device owned by a person who uses it only for
15 the purpose of weighing the person's own livestock or agricultural products
16 and for no commercial purposes is declared to be a noncommercial device, and
17 the owner of the device is exempt from paying any licensing fees collected
18 pursuant to this chapter.

19 ~~E.~~ F. If a commercial livestock scale is used for thirty or more days
20 in a calendar year, the scale is required to be licensed. If a commercial
21 livestock scale is used for fewer than thirty days in a calendar year, the
22 scale is required to be certified. If an owner or operator of a commercial
23 livestock scale requests that the department certify the scale, the
24 certification fee shall be comparable to the license fee prescribed in
25 section 41-2092. If an owner or operator of a noncommercial scale requests
26 that the department certify the scale, the certification fee shall be
27 comparable to the license fee prescribed in section 41-2092.

28 ~~F.~~ G. At the request of the owner or user of a portable batch plant,
29 the department may certify the portable batch plant. If the department
30 certifies a portable batch plant, the certification fee shall be comparable
31 to the license fee prescribed in section 41-2092.

32 ~~G.~~ H. Any portable measuring device that is five gallons or less and
33 that is properly marked by the manufacturer according to standards
34 established by the national institute of standards and technology shall be
35 exempt from the licensing and certification provisions of this chapter.

36 ~~H.~~ I. For the purpose of ascertaining compliance with the licensing
37 provisions of this article, the department of revenue shall provide the
38 department of weights and measures with a monthly report of all transaction
39 privilege tax licenses issued in the prior month. The report shall include
40 the business name, type of business and business address of the licensee.

41 ~~I.~~ J. The department of revenue shall annually notify each
42 transaction privilege tax licensee that the licensee is required to register
43 new or existing weighing or measuring devices with the department of weights
44 and measures.

K. THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A TAXI, LIMOUSINE, EXECUTIVE SEDAN OR SEDAN UNLESS THE TAXI, LIMOUSINE, EXECUTIVE SEDAN OR SEDAN MEETS THE REQUIREMENTS FOR BOTH OF THE FOLLOWING:

1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT OF TRANSPORTATION.

2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

L. THE DEPARTMENT SHALL REVOKE A LICENSE IF THE TAXI, LIMOUSINE, EXECUTIVE SEDAN OR SEDAN FAILS TO MAINTAIN THE REQUIREMENTS FOR EITHER OF THE FOLLOWING:

1. MOTOR VEHICLE LICENSING AS PRESCRIBED BY THE DEPARTMENT OF TRANSPORTATION.

2. MOTOR VEHICLE INSURANCE AS PRESCRIBED BY SECTION 28-4033.

M. A TAXI, LIMOUSINE, EXECUTIVE SEDAN OR SEDAN SHALL HAVE A LICENSE ISSUED UNDER THIS CHAPTER POSTED ON THE OUTSIDE OF THE REAR WINDOW AS REQUIRED BY THE DEPARTMENT.

Sec. 17. Section 41-2092, Arizona Revised Statutes, is amended to read:

41-2092. Licensing fees

A. The following fees shall be paid to the department as license fees for devices used for commercial purposes:

Schedules of Fees

1. Weighing devices:

| | | |
|--|----|--------|
| 0 - 500 pounds capacity (or metric equivalent) | \$ | 12.00 |
| 501 - 2,000 pounds capacity | | 18.00 |
| 2,001 - 7,500 pounds capacity | | 36.00 |
| 7,501 - 20,000 pounds capacity | | 80.00 |
| 20,001 - 60,000 pounds capacity | | 120.00 |
| 60,001 pounds capacity and over | | 180.00 |

2. Liquid metering devices (meters) other than for liquid petroleum gas and utility meters:

| | |
|---|--------|
| maximum 12 gallons per minute and under | 12.00 |
| maximum 13 - 150 gallons per minute | 36.00 |
| maximum 151 - 500 gallons per minute | 90.00 |
| maximum 501 - 1,000 gallons per minute | 138.00 |
| maximum 1,001 gallons per minute and over | 168.00 |

3. Motor fuel devices (dispensers) other than for liquid petroleum gas (not including satellite hoses or nozzles):

| | Standard | Stage II |
|--|----------|----------|
| each meter | 15.00 | 30.00 |
| each blending valve | 15.00 | 30.00 |
| high volume (over 19 gallons per minute) | | |
| diesel per hose and nozzle | | 15.00 |

| | | |
|----|---|-------|
| 1 | keylock, limited access, with accumulators, | |
| 2 | per hose and nozzle | 22.50 |
| 3 | remote indicator and control unit (no hoses | |
| 4 | or nozzles) (accessory only) | 22.50 |
| 5 | 4. Liquid measuring devices for liquid petroleum | |
| 6 | gas (meters): | |
| 7 | small bottle fill measuring devices | 24.00 |
| 8 | motor fuel measuring devices, uncompensated | 24.00 |
| 9 | motor fuel measuring devices, temperature | |
| 10 | compensating, including compressed natural | |
| 11 | gas filling devices | 48.00 |
| 12 | motor fuel measuring devices, keylocks | 48.00 |
| 13 | 3/4" and 1" meters, uncompensated | 48.00 |
| 14 | 1 1/4", 1/2" and 1 3/4" meters, uncompensated | 72.00 |
| 15 | 2" meters and larger, uncompensated | 72.00 |
| 16 | 3/4" and 1" meters, temperature compensating | 54.00 |
| 17 | 1 1/4", 1/2" and 1 3/4" meters, temperature | |
| 18 | compensating | 90.00 |
| 19 | 2" meters and larger, temperature compensating | 96.00 |
| 20 | 5. Linear measuring devices: | |
| 21 | all linear measuring mechanical devices | 24.00 |
| 22 | 6. Time measuring devices: | |
| 23 | all time measuring mechanical, electrical and | |
| 24 | electronic devices | 24.00 |
| 25 | 7. Counting devices: | |
| 26 | all mechanical and electronic counting devices | 12.00 |
| 27 | B. Testing, inspection, certification and calibration fees shall be | |
| 28 | paid pursuant to the fee schedule set forth in subsection A or the rules of | |
| 29 | the department. The department shall waive license fees for customer parking | |
| 30 | time measuring meters owned by municipalities. | |
| 31 | C. Issuance or renewal of license as: | |
| 32 | 1. Public weighmaster | 48.00 |
| 33 | 2. Registered service agency | 24.00 |
| 34 | 3. Registered service representative | 4.80 |
| 35 | D. The fees set forth in this section are the maximum amounts that may | |
| 36 | be charged, but the director, at the director's discretion, may reduce the | |
| 37 | fees to any amount the director deems necessary. | |
| 38 | E. The director may prorate the fees set forth in this section for | |
| 39 | partial year application. | |
| 40 | F. If a person fails to pay a license, permit or certification fee on | |
| 41 | or before the date the fee is due, the department shall impose a penalty | |
| 42 | equal to twenty per cent of the fee. For each month after the date the fee | |
| 43 | is due, the department shall impose an additional penalty equal to twenty per | |
| 44 | cent of the fee. If a person fails to pay a license, permit or certification | |

1 fee for three months after the fee is due, the department shall automatically
2 cancel the license, permit or certification.

3 ~~6. For the purposes of this section:~~

4 ~~1. "Taxicab" means a motor vehicle that has a driver for hire, that~~
5 ~~has a seating capacity of less than seven passengers and that is not operated~~
6 ~~on a regular route.~~

7 ~~2. "Time measuring devices" and "linear measuring devices" do not~~
8 ~~include odometers except when utilized as the device on which a charge is~~
9 ~~determined in the operation of a taxicab.~~

10 Sec. 18. Title 41, chapter 15, article 4, Arizona Revised Statutes,
11 is amended by adding sections 41-2095 and 41-2096, to read:

12 41-2095. Meters; duplicate receipts

13 A. EVERY TAXI THAT HAS A CHARGE OR FARE BASED ON TIME OR MILEAGE OR
14 BOTH TIME AND MILEAGE SHALL HAVE A TAXI METER.

15 B. THE TAXI METER SHALL BE VISIBLE TO THE PASSENGERS OF A TAXI OR
16 EXECUTIVE SEDAN. THE TAXI METER INDICATOR READING SHALL BE VISIBLE TO THE
17 PASSENGERS OF A LIMOUSINE UNLESS THE LICENSEE POSTS A SIGN VISIBLE TO THE
18 PASSENGERS IN LETTERS AT LEAST ONE-QUARTER INCH IN HEIGHT THAT STATES THAT
19 A PASSENGER CAN ASK TO SEE THE METER READING.

20 C. IF A TAXI HAS THE CAPABILITY OF PRODUCING A DUPLICATE RECEIPT, THE
21 DRIVER SHALL PRINT THE DUPLICATE RECEIPT AND PROVIDE THE DUPLICATE RECEIPT
22 TO THE PASSENGER PAYING THE FARE.

23 41-2096. Signage

24 A. A TAXI, LIMOUSINE OR EXECUTIVE SEDAN SHALL DISPLAY INTERIOR SIGNAGE
25 THAT CONTAINS THE LICENSEE'S BUSINESS NAME AND ADDRESS AND THAT IS ALL OF THE
26 FOLLOWING:

27 1. PERMANENT.

28 2. IN LETTERS AT LEAST ONE-HALF INCH IN HEIGHT.

29 3. READILY VISIBLE.

30 4. ACCURATELY REPRESENTING ALL FARES AND THE FARE COMPUTATION METHOD.

31 B. A TAXI IS REQUIRED TO DISPLAY EXTERIOR SIGNAGE THAT CONTAINS THE
32 LICENSEE'S BUSINESS NAME AND ADDRESS, THAT CONTAINS THE WORD TAXI OR CAB AND
33 THAT IS ALL OF THE FOLLOWING:

34 1. PERMANENT.

35 2. IN LETTERS AT LEAST THREE INCHES IN HEIGHT.

36 3. READILY VISIBLE AND A MINIMUM OF ONE INCH IN HEIGHT FOR FARE
37 INFORMATION.

38 4. ACCURATELY REPRESENTING ALL FARES AND THE FARE COMPUTATION METHOD.

39 Sec. 19. Delayed effective date

40 This act is effective from and after July 1, 2004.

APPROVED BY THE GOVERNOR MAY 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.

Passed the House March 12, 2003

Passed the Senate April 29, 2003

by the following vote: 40 Ayes,

by the following vote: 27 Ayes,

17 Nays, 3 Not Voting

3 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Fyore
Chief Clerk of the House

Channing Ballinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2283

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

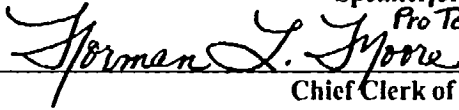
May 1, 2003,

by the following vote: 46 Ayes,

10 Nays, 4 Not Voting



Speaker of the House
Pro Tempore



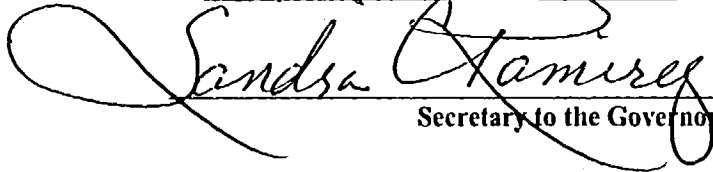
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 4:00 o'clock P M.

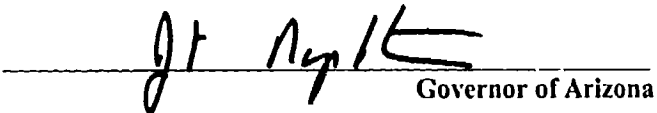


Secretary to the Governor

Approved this 7 day of

May, 2003,

at 10⁰⁰ o'clock 11 M.


Governor of Arizona

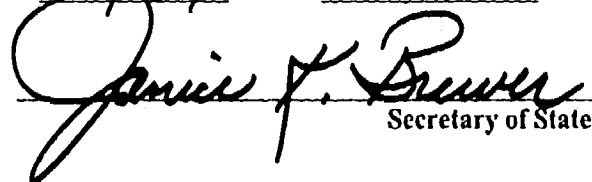
H.B. 2283

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003

at 4:09 o'clock P M.



Secretary of State